

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13667 of 2005

Between:

1 Md. Sirajuddin, S/o. Late Md. Sharfuddin,
R/o. H.No. 1-61/1, Gachi Bowli, Rahmat Gulshan

Colony, Serilingampally Mandal, R.R. District.
represented by their G.P.A. Mohd. Mohd. Moinuddin,

S/o. Late Mohd. Sharfuddin, aged about 54 years.

2 Md. Moinuddin, S/o. Late Md. Sharfuddin,
R/o. H.No. 1-61/1, Gachi Bowli, Rahmat Gulshan

Colony, Serilingampally Mandal, R.R. District.
represented by their G.P.A. Mohd. Mohd. Moinuddin,

S/o. Late Mohd. Sharfuddin, aged about 54 years.

3 Malan Begum, D/o. Late Md. Sharfuddin,
R/o. H.No. 1-61/1, Gachi Bowli, Rahmat Gulshan

Colony, Serilingampally Mandal, R.R. District.
represented by their G.P.A. Mohd. Mohd. Moinuddin,

S/o. Late Mohd. Sharfuddin, aged about 54 years.

4 Haleema Bee, W/o. Late Mohd. Yousuf,
R/o. H.No. 2-67/94, Gachi Bowli, Rahmat Gulshan

Colony, Serilingampally Mandal, R.R. District.
represented by their G.P.A. Mohd. Mohd. Moinuddin,

S/o. Late Mohd. Sharfuddin, aged about 54 years

5 Sultana Begum, D/o. Late Mohd, Yousuf,
R/o. H.No. 2-67/94, Gachi Bowli, Rahmat Gulshan

Colony, Serilingampally Mandal, R.R. District.
represented by their G.P.A. Mohd. Mohd. Moinuddin,

S/o. Late Mohd. Sharfuddin, aged about 54 years.

6 Sayeeda Begum, D/o. Late Mohd. Zahna,
R/o. H.No. 1-61/5, Gachi Bowli, Rahmat Gulshan

Colony, Serilingampally Mandal, R.R. District.
represented by their G.P.A. Mohd. Mohd. Moinuddin,

S/o. Late Mohd. Sharfuddin, aged about 54 years.

(Petitioners 1 to 6 R/o.1-61/1, Rahmath Gulshan Colony, Gachi Bowli Village,
Serilingampally Mandal, R.R.District.)

7 Mohd. Shafee, S/o. Mohd. Khaja,
R/o. H.No. 1-34, Kothaguda, Serilingampally Mandal, R.R. District.

8 Shaheda Begum, D/o. Late Mohd. Khaja,
R/o. H.No. 1-34, Kothaguda, Serilingampally Mandal, R.R. District.

9 Bibi Begum, D/o. Late Mohd. Khaja,
R/o. H.No. 1-34, Kothaguda, Serilingampally Mandal, R.R. District.

10 Noor Jahan, D/o. Late Mohd. Khaja,
R/o. H.No. 1-34, Kothaguda, Serilingampally Mandal, R.R. District.

11 Jahan Begum, D/o. Late Mohd. Khaja,
R/o. H.No. 1-34, Kothaguda, Serilingampally Mandal, R.R. District.

12 Mohd. Hussain, S/o. Jhon Mohammed,
R/o. 1-2-164, Domalguda, Hyderabad.

13 Smt. Kulsum Bee, W/o. Mahboob Saheb,
Beside E.S.I, Hospital, S.R. Nagar, Hyderabad-38 and rep by

their G.P.A. Mohd. Ali, S/o. Mehboob Saheb,
aged about 55, R/o. H.No. 1-61/1, Rahmat Gulshan Colony,

Gachi Bowli Village, Serilingampally Mandal, R.R. District.

14 Mohd. Ali, W/o. Mahboob Saheb,
Beside E.S.I, Hospital, S.R. Nagar, Hyderabad-38 and rep by

their G.P.A. Mohd. Ali, S/o. Mehboob Saheb,
aged about 55, R/o. H.No. 1-61/1, Rahmat Gulshan Colony,

Gachi Bowli Village, Serilingampally Mandal, R.R. District.

15 Mohd. Dasthagiri, S/o. Mahboob Saheb,
Beside E.S.I, Hospital, S.R. Nagar, Hyderabad-38 and rep by

their G.P.A. Mohd. Ali, S/o. Mehboob Saheb,
aged about 55, R/o. H.No. 1-61/1, Rahmat Gulshan Colony,

Gachi Bowli Village, Serilingampally Mandal, R.R. District.

16 Mohd.Nishad, S/o. Mahboob Saheb,
Beside E.S.I, Hospital, S.R. Nagar, Hyderabad-38 and rep by

their G.P.A. Mohd. Ali, S/o. Mehboob Saheb,
aged about 55, R/o. H.No. 1-61/1, Rahmat Gulshan Colony,

Gachi Bowli Village, Serilingampally Mandal, R.R. District.

17 Mohd. Khaja Pasha, S/o. Mahboob Saheb,
Beside E.S.I, Hospital, S.R. Nagar, Hyderabad-38 and rep by

their G.P.A. Mohd. Ali, S/o. Mehboob Saheb,
aged about 55, R/o. H.No. 1-61/1, Rahmat Gulshan Colony,

Gachi Bowli Village, Serilingampally Mandal, R.R. District.

18 Mohd. Saleem, S/o. Mahboob Saheb,
Beside E.S.I, Hospital, S.R. Nagar, Hyderabad-38 and rep by

their G.P.A. Mohd. Ali, S/o. Mehboob Saheb,
aged about 55, R/o. H.No. 1-61/1, Rahmat Gulshan Colony,

Gachi Bowli Village, Serilingampally Mandal, R.R. District.

19 Smt. Farida Begum, W/o. Late Abdul Khader,
Beside E.S.I, Hospital, S.R. Nagar, Hyderabad-38 and rep by

their G.P.A. Mohd. Ali, S/o. Mehboob Saheb,
aged about 55, R/o. H.No. 1-61/1, Rahmat Gulshan Colony,

Gachi Bowli Village, Serilingampally Mandal, R.R. District.

20 Smt. Shahzadi Begu, W/o. Mohd. Zahed,
Beside E.S.I, Hospital, S.R. Nagar, Hyderabad-38 and rep by

their G.P.A. Mohd. Ali, S/o. Mehboob Saheb,
aged about 55, R/o. H.No. 1-61/1, Rahmat Gulshan Colony,

Gachi Bowli Village, Serilingampally Mandal, R.R. District.

21 Smt. Shameem Begum, W/o. Mohd. Layaq,
Beside E.S.I, Hospital, S.R. Nagar, Hyderabad-38,

(Sl.Nos.13 to 21 are residents of S.No.8, Bhanu Enclave, besides E.S.I.Hospital,
S.R.Nagar, Hyderabad-38 and rep.by

their G.P.A. Mohd. Ali, S/o. Mehboob Saheb,
aged about 55, R/o. H.No. 1-61/1, Rahmat Gulshan Colony,

Gachi Bowli Village, Serilingampally Mandal, R.R. District.

...PETITIONERS

AND

1. The Joint Collector, Ranga Reddy district at Lakdikapool, Hyderabad.
2. The Mandal Revenue Officer, Serilingampally Mandal, Ranga Reddy District.
3. Mohd.Jamal, S/o.Jhon Mohammed, 75 years, R/o.Kothaguda Village, Serilingampally Mandal, Ranga Reddy District.
4. Mirza Jilani Baig, S/o.Mirza Mehboob Baig, 28 years, R/o.H.No.9-5-1, Ibrahim Bagh, Golconda, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the action of the respondents in not disposing of the Revision

Petition No. D5/3352/2004 pending before the 1st Respondent as illegal, arbitrary, unjust and consequently direct the respondents to dispose of the Revision Petition forthwith and also further take steps not to sell the land to third parties by unauthorized persons.

Counsel for the Petitioners: MR.CH.VENKATESHWARA REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

The Court at the admission stage made the following:

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13667 of 2005

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ORDER:

This Writ Petition is filed by the petitioners seeking declaration of the action of the respondents in not disposing of the Revision Petition No.D5/3352/2004 pending before the first respondent as illegal and arbitrary and consequential direction to the respondents to dispose of the Revision Petition forthwith and also to take steps not to sell the land to the third parties by unauthorized persons.

The learned counsel for the petitioners submitted that the land admeasuring Acs.3.01 gts situated in Survey No.40 at Kothaguda Village of Serilingampally Mandal in Ranga Reddy District originally belongs to Jhon Mohammed and he died in the year 1958 leaving behind his six sons. On his death, the heirs are placed in possession of half of the land and half of the land is in possession of the petitioners.

The petitioners are residing in the said land by constructing houses with municipal numbers 1-36/1 and 1-35 of Serilingampally Municipality. Therefore, Mohammed Jamal, the second son of the said Jhon Mohammed filed Revision Petition before the first respondent for inclusion of the name of Shaik Baba Saheb to whom he sold the land and deletion of the names of the petitioners. The petitioners have not alienated the said property. The first respondent received the Revision Petition on 09.08.2004 and immediately directed the second respondent to enquire into the same and submit a report. But no report was submitted by the second respondent and hence, the Revision Petition is not disposed of since August 2004. Therefore, the present Writ Petition is filed seeking the above relief.

Though the learned Government Pleader for Revenue was given sufficient time to get instructions, he is not able to get any instructions. Hence, I deem it appropriate to dispose of the Writ Petition at the admission stage.

The Writ Petition is accordingly disposed of with a direction to the first respondent to dispose of the Revision Petition within eight weeks from the date of receipt of a copy of this order and pass appropriate orders in accordance with law. No costs.

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(ELIPE DHARMA RAO, J)

29th June 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Joint Collector, Ranga Reddy district at Lakdikapool, Hyderabad.
2. The Mandal Revenue Officer, Serilingampally Mandal, Ranga Reddy District.
3. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.